

# Exhibit “E”

**Steven Hartsell**

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**From:** Christopher O. Green <cgreen@fr.com>  
**Sent:** Thursday, November 07, 2013 7:04 PM  
**To:** Barry Bumgardner  
**Cc:** Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz; zgates@burnslev.com; acapachietti@burnslev.com  
**Subject:** RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Hi Barry,

Further to my message below, we received permission from Qualcomm to produce the "log files" under the designation "CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE" pursuant to the Court's Protective Order. "Log files" are now available for inspection subject to the terms of that Order in our Redwood City offices. Assuming that GPNE wishes to proceed with the inspection, please contact us to arrange the specific dates and times.

Thank you,  
Chris

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**From:** Christopher O. Green  
**Sent:** Wednesday, November 06, 2013 11:29 PM  
**To:** 'Barry Bumgardner'  
**Cc:** Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz; zgates@burnslev.com; acapachietti@burnslev.com  
**Subject:** RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Barry,

Thank you for speaking with me earlier this evening. I write to confirm the further information that Apple has provided in response to your emails below via our conversations of Monday and tonight.

Apple will provide [REDACTED] as a further Rule 30(b)(6) designee to address topics pertaining to GPRS, subject to Apple's objections to GPNE's deposition notice. Apple will further revisit the list of topics identified in Mr. Hartsell's email below and reevaluate whether they are appropriate for a 30(b)(6) designee, or whether certain topics remain objectionable as currently drawn. Apple will provide GPNE with its determination no later than Monday, November 11<sup>th</sup>, and will promptly entertain any counterproposal GPNE wishes to make in view of Apple's objections. Apple has offered [REDACTED] for deposition on November 14<sup>th</sup> and, per GPNE's request, will inquire whether he can alternately appear on November 19<sup>th</sup> to coincide with the November 18<sup>th</sup> hearing date.

Regarding the “log files”, Apple has clarified that the materials [REDACTED]  
 [REDACTED] of Qualcomm’s baseband chip, that can only be interpreted  
 [REDACTED]  
 [REDACTED]  
 [REDACTED] Apple’s position is that these  
 output files, and any text rendering created from them, should be treated as “source code”  
 pursuant to the Court’s Protective Order. Apple further must notify Qualcomm that GPNE  
 seeks access to this information and has committed to make that inquiry immediately. We will  
 of course immediately provide GPNE with any response received from Qualcomm.

Regarding GPNE’s new request for Apple to turn over prototype or experimental versions of  
 Apple products that are not sold or otherwise publicly available, Apple views this request as  
 inappropriate and unnecessary. GPNE does not need possession of such highly sensitive items  
 to pursue its allegations, and this request appears intended for purposes other than legitimate  
 fact discovery.

Finally, regarding scheduling, Apple strongly disagrees with any express or implied allegation  
 that Apple has improperly delayed discovery. The record of the parties’ respective efforts at  
 discovery is well documented in the correspondence and pleadings and need not be fully  
 recounted here. At a minimum, the record demonstrates that GPNE has no basis to seek an  
 extension of the case schedule, or to seek further depositions of multiple Apple witnesses, due  
 to any “delay” or other action by Apple during discovery.

In view of all of these facts, Apple does not see a basis for GPNE to proceed with any motion to  
 compel, let alone a motion for unspecified “sanctions” as threatened below. We strongly urge  
 GPNE to reconsider its position and redirect its effort towards orderly completion of fact  
 discovery, particularly given that Apple has numerous outstanding discovery requests to GPNE  
 that have yet to be resolved.

Thank you,  
 Chris

**From:** Barry Bumgardner [<mailto:Barry@nbclaw.net>]  
**Sent:** Wednesday, November 06, 2013 6:04 PM  
**To:** Christopher O. Green  
**Cc:** Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz;  
[zgates@burnslev.com](mailto:zgates@burnslev.com); [acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)  
**Subject:** RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Dialing in in 5 minutes.

**From:** Christopher O. Green [<mailto:cgreen@fr.com>]  
**Sent:** Wednesday, November 06, 2013 5:04 PM  
**To:** Barry Bumgardner  
**Cc:** Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz;

[zgates@burnslev.com](mailto:zgates@burnslev.com); [acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)

**Subject:** Re: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

I can join now

On Nov 6, 2013, at 5:38 PM, "Barry Bumgardner" <[Barry@nbclaw.net](mailto:Barry@nbclaw.net)<<mailto:Barry@nbclaw.net>>> wrote:

ok

From: Christopher O. Green [<mailto:cgreen@fr.com>]

Sent: Wednesday, November 06, 2013 4:36 PM

To: Barry Bumgardner

Cc: Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul

Muniz; [zgates@burnslev.com](mailto:zgates@burnslev.com)<<mailto:zgates@burnslev.com>>;

[acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)<<mailto:acapachietti@burnslev.com>>

**Subject:** Re: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Can we make it 6:10? My 5 is running late.

On Nov 6, 2013, at 1:44 PM, "Barry Bumgardner"

<[Barry@nbclaw.net](mailto:Barry@nbclaw.net)<<mailto:Barry@nbclaw.net><<mailto:Barry@nbclaw.net%3cmmailto:Barry@nbclaw.net>>>>>> wrote:

That's fine. Please use this dial-in:

Dial In Number - (866) 910-4857

Int'l Number - (719) 387-5500

Guest Conference Pass Code - 912522

Security Code - 66

From: Christopher O. Green [<mailto:cgreen@fr.com>] <[mailto:\[mailto:cgreen@fr.com\]](mailto:[mailto:cgreen@fr.com])>

Sent: Wednesday, November 06, 2013 12:29 PM

To: Barry Bumgardner

Cc: Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz;

[zgates@burnslev.com](mailto:zgates@burnslev.com)<<mailto:zgates@burnslev.com><<mailto:zgates@burnslev.com%3cmmailto:zgates@burnslev.com>>>>;

[acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)<<mailto:acapachietti@burnslev.com><<mailto:acapachietti@burnslev.com%3cmmailto:acapachietti@burnslev.com>>>>

**Subject:** Re: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Is 5pm central too late?

On Nov 6, 2013, at 12:26 PM, "Barry Bumgardner"

<[Barry@nbclaw.net](mailto:Barry@nbclaw.net)<<mailto:Barry@nbclaw.net><<mailto:Barry@nbclaw.net%3cmmailto:Barry@nbclaw.net>>>>>>



[acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)<<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>>>>>

Subject: RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Let's try 7PM Central.

From: Barry Bumgardner

[\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)<[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)>

Sent: Monday, November 04, 2013 7:35 PM

To: Christopher O. Green

Cc: Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte; Howard Susser; Paul Muniz;

[zgates@burnslev.com](mailto:zgates@burnslev.com)<<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>>>>>;

[acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)<<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>>>>>

Subject: Re: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

Just got this. I can do 7 pm, CST, or tomorrow.

"Christopher O. Green"

[cgreen@fr.com](mailto:cgreen@fr.com)<<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>><<mailto:cgreen@fr.com>>>>>> wrote:

Barry – I can speak with you at 6:30 Central time.

From: Barry Bumgardner

[\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)<[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)><[mailto:\[mailto:Barry@nbclaw.net\]](mailto:Barry@nbclaw.net)>

Sent: Monday, November 04, 2013 2:47 PM

To: Christopher O. Green; Steven Hartsell; Aamir Kazi; Jacqueline Tio; Benjamin C. Elacqua; Enrique Duarte

Cc: Howard Susser; Paul Muniz;

[zgates@burnslev.com](mailto:zgates@burnslev.com)<<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>><<mailto:zgates@burnslev.com>>>>>;

[acapachietti@burnslev.com](mailto:acapachietti@burnslev.com)<<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>><<mailto:acapachietti@burnslev.com>>>>>



Subject: RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

My travel plans have changed and we can be available to take [REDACTED] deposition on Thursday of this week. Please find a call in number for the meet and confer below. Also, please let me know what time this evening you would like to have this call. For the record, I dispute your characterization of events below.

Dial In Number - (866) 910-4857  
Int'l Number - (719) 387-5500  
Guest Conference Pass Code - 912522  
Security Code - 63

Subject: RE: GPNE v. Apple: Rule 30(b)(6) Deposition Follow-up

I am traveling today for another matter and will not be available until later this evening Eastern time. Regarding Mr. Hartsell's email below (of Saturday night) and your following email (of Sunday night), GPNE fails to acknowledge that you and I discussed the log files and continuing the 30(b)(6) deposition on Friday afternoon following [REDACTED]. That is, we confirmed that Apple was investigating whether any "log files" exist and require production. We also discussed whether GPNE would be available to take complete the 30(b)(6) deposition this week, but understand GPNE found that option undesirable because it has scheduled other depositions in the Nokia case for this week.







4) Based on Apple's emails describing the designation of topics between [REDACTED] and [REDACTED], it appears that Apple has failed to designate a witness for Topic Nos. 1-4, 6-7, 9, 14, 18, 21, 27, 30, 32, 34, 38, 50, and 52. Please let us know Apple's position on presenting a witness on these topics by the end of the weekend.

www.nbclaw.net<http://www.nbclaw.net/><http://www.nbclaw.net%3chttp://www.nbclaw.net/%3e><http://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3chttp://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3e><http://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3chttp://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3e%3chttp://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3chttp://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3chttp://www.nbclaw.net%3chttp://www.nbclaw.net/%3e%3e%3e%3e>

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